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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 294/2024**

RAJKUMAR SINGH RATHOUR Petitioner
Through: Mr. Rajeev Bansal, Ms. Mansi Malhotra, Mr. Vibhor Bhatia, Mr. Jatan Singh and Mr. Tushar Lamba, Advocates.
versus

STATE GOVT. OF NCT OF DELHI Respondent
Through: Mr. Laksh Khanna, APP for State with SI Seema, P.S. Najafgarh.
Mr. Gulab Singh, Advocate for complainant alongwith complainant in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
12.03.2024

1. By way of present bail application filed under Section 439 Cr.P.C., the applicant seeks regular bail in FIR No. 533/2023 registered under Sections 376/377/506 IPC at P.S. Najafgarh, Delhi.
2. Learned counsel for the applicant submits that the prosecutrix is a married lady who is older than applicant. As per the complaint, the alleged incident firstly occurred on 10.09.2022. It is further alleged that subsequently on 24.11.2022 with the threat of publicizing her obscene photographs on social media, she was taken to Diamond Residency, Oyo Hotel, Sector 9, Dwarka, Delhi by the applicant wherein again forcible sexual relation was established. Even when her husband becomes aware of



the incident on 08.08.2023 and 18.08.2023, no complaint was lodged. It is also submitted that the prosecutrix had also lodged an FIR No. 435/2023 under Sections 323/506 IPC at Sector 20, Noida against the applicant wherein there is no mention of the prior alleged incident.

3. Learned counsel further contends that as per the complaint of the prosecutrix, both the parties were working in a company. There were financial transactions between 28.10.2022 and 21.09.2023 whereby the applicant has given a sum of Rs.13 lacs to the prosecutrix as loan. Lastly, it is submitted that charge-sheet having been filed, the applicant is no longer required for any custodial interrogation. It is also submitted that in case applicant is admitted to bail, the applicant undertakes not to enter the jurisdiction of police station Najafgarh.

4. Mr. Khanna, learned APP for the State, who is duly assisted by Mr. Gulab Singh, counsel for the complainant, has opposed the bail application. It is contended that charge is yet to be framed and prosecutrix is also yet to be examined. It is further stated that prosecutrix has clearly mentioned the specific dates and time of the alleged incident.

5. Having heard the learned counsels for the parties, during the course of submissions, learned counsel for the applicant has referred to the charge-sheet wherein it is stated that investigation was carried out at Diamond Residency Oyo Hotel however no such entry relating to the applicant or prosecutrix was found. Further, the FIR No. 435/2023 of Sector 20, Noida, which is prior in time from the present FIR, is also silent about the alleged incident. The first incident statedly occurred on 10.09.2022 when it was alleged that applicant had taken the prosecutrix alongwith two other colleagues to an office party and after dropping those two colleagues, while



on his way to drop the prosecutrix, the alleged offence was committed. The said two colleagues have also stated in their statement recorded under Section 161 Cr.P.C. that the applicant and prosecutrix joined the office on the next day in normal course and no such incident was informed. Admittedly, the applicant has already resigned from the said company in July, 2023.

6. Considering the aforesaid and in the totality of the facts and circumstances, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant, as undertaken by him, shall not enter the jurisdiction of P.S. Najafgarh during the pendency of trial.
- iii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iv) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- v) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- vi) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

7. The bail application is disposed of in the above terms.



8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
9. Copy of the order be uploaded on the website forthwith.
10. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

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MANOJ KUMAR OHRI, J

MARCH 12, 2024

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